

REMARKS

Claims 1-3, 9-17, 24-29 and 32 are pending and await further action on the merits.

Claims 14, 16, 17, 27 and 28 have been withdrawn from consideration as being drawn to non-elected subject matter.

The following prior art based rejections are pending:

(A) Claims 1-3, 9-12, 15, 24-26, 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khandhadia et al.

(U.S. Patent 5,514,230) in view of Castagner et al. (U.S. Patent 5,160,163) and Takase et al. (U.S. Patent 4,572,178); and

(B) Claims 1-3, 9-13, 15, 24-26, 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida (U.S. Patent 5,883,330) in view of Castagner et al. and Takase et al.

Applicants respectfully traverse the rejections.

As the Examiner will note, Khandhadia et al. is available as a reference under 35 U.S.C. § 103(a) based on 35 U.S.C. § 102(e) as of its U.S. filing date of April 14, 1995. In addition, Yoshida is available under 35 U.S.C. § 103(a) based upon 35 U.S.C. § 102(e) as of October 12, 1995. Also, the PCT publication associated with the

U.S. patent to Yoshida is available under 35 U.S.C. § 103(a) based upon 35 U.S.C. § 102(a) as of its publication date of August 17, 1995.

Applicants respectfully submit that the references of Khandhadia et al., the U.S. patent to Yoshida and the PCT publication to Yoshida are not prior art to the present invention, i.e., the present invention antedates the dates in which these references are available under 35 U.S.C. § 102 and § 103. In order to clarify that the present invention antedates the dates in which these references are available, Applicants enclose herewith verified English translations of four of the eight priority documents which were filed in Japan in December 1994. These applications were assigned the following numbers:

- a) 6-318547 filed in Japan on December 21, 1994;
- b) 6-318548 filed in Japan on December 21, 1994;
- c) 6-318549 filed in Japan on December 21, 1994; and
- d) 6-320108 filed in Japan on December 22, 1994.

It is respectfully submitted that these four instant priority documents have:

- 1) sufficient written description support for the claimed invention as defined under 35 U.S.C. § 112, first paragraph; and

2) sufficient enablement for the skilled artisan to make and/or use the invention as claimed as defined under 35 U.S.C. § 112, first paragraph.

Since the prior art based rejections do not stand without Khandhadia et al. and Yoshida, Applicants respectfully submit that the prior art based rejections are rendered moot.

PTO-892 Form

Applicants note that Yoshida has been first cited in the outstanding Office Action. However, the Examiner has not included Yoshida on the PTO-892 form, which was enclosed with the outstanding Office Action. Accordingly, Applicants respectfully request that the Examiner issues a supplemental PTO-892 form, which lists Yoshida for clarity of the record.

Conclusion

Applicants respectfully submit that the claims are in condition for allowance. A Notice to such effect is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq. (Reg. No. 43,575)

Appl. No. 09/942,798

at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Raymond C. Stewart, #21,066

Garth M. Dahlen, #43,575

RCS/GMD/bsh
0425-0846P
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments: Verified English translations of priority documents (4)

(Rev. 02/12/2004)